



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: January 26, 2010

Department: Zoning, Building and Planning Staff Contact: Enrico Gradi, Program Planner

TITLE: CONSENT: (Special Use Permit for Mining, Excavating, Removing and Stock Piling of Aggregate) (CSU-90013)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the December 2, 2009 public hearing, the County Planning Commission voted (7-0) to approve a request for a Special Use Permit for Mining, Excavating, Removing and Stock Piling of Aggregate on properties described as E $\frac{1}{2}$ N $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE SE NW, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW NE SW, NE NE SW, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, T9N, R2E, located approximately 600 feet south and west of Powers Way SW, zoned A-1, and containing approximately 65.94 acres. The decision was based on the following seven (7) Findings and subject to the following six (6) Conditions.

Findings:

1. This is a request for a Special Use Permit for Mining, Excavating, Removing and Stock Piling of Aggregate on properties described as E $\frac{1}{2}$ N $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE SE NW, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW NE SW, NE NE SW, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, T9N, R2E, located approximately 600 feet south and west of Powers Way SW, zoned A-1, and containing approximately 65.94 acres.
2. The request is consistent with Resolution 116-86 in that this land use is more advantageous to the community because it is in accordance with Policy g of the Rural Area section of the Albuquerque/Bernalillo County Comprehensive Plan. The location of the Sand and Gravel Operation is not in a highly scenic or prime recreational, agricultural or residential area and is near other sand and gravel operations.
3. This request is consistent with Resolution 116-86 in that this land use is more advantageous to the community since it encourages a small-scale, locally-owned and operated industry that complements residential areas and reduces the need to travel as articulated in Policies 3.g, 6.a, 6.b & 6.g of the Albuquerque/Bernalillo County Comprehensive Plan.
4. This request is consistent with Resolution 116-86 in that the application has demonstrated that the existing zoning is inappropriate since there is a changed neighborhood condition mainly a Special Use Permit for Gravel Extraction and Adobe Making (CSU 80028) was approved approximately 600 feet east of the subject site on November 25, 2008.

5. The Special Use Permit for CSU 99-24 is superseded by the Special Use Permit for Mining, Excavating, Removing and Stock Piling of Aggregate CSU-90013.
6. The sand and gravel operation should not damage the site if the conditions imposed are followed and if a land rehabilitation requirements of Section 18.B.16. of the County Zoning Ordinance are met.
7. This request is consistent with the health, safety, and general welfare of the residents of the County.

Conditions:

1. Applicant shall submit a grading and drainage plan to Bernalillo County Public Works Division for review and approval within 90 days of the final Board of County Commission approval. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Health Department.
2. Applicant shall submit a land rehabilitation plan for review and approval to Bernalillo County Public Works Division. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Department.
3. The applicant shall comply with all applicable Bernalillo County ordinances and regulations upon final approval by the Board of County Commissioners.
4. The Special Use Permit shall be issued for ten (10) years.
5. The applicant shall submit three copies of a revised site development plan consistent with the Conditions of approval, unless otherwise mentioned, shall be submitted for review and approval to the Zoning Administrator within two months after the final Board of County Commissioners approval.
6. The applicant shall work diligently and expediently toward satisfying the Conditions of approval, unless a specific time is mandated. If Conditions of Approval are not met within one year, the Special Use Permit shall be cancelled pursuant to the procedures in the Zoning Ordinance.

ATTACHMENTS:

1. County Planning Commission Notice of Decision Letter (December 7, 2009).
2. County Planning Commission Information Packet.
3. Site Plan (Commissioners Only).

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING DEPARTMENT:

Staff Recommends Approval